

STATE OF MICHIGAN  
DEPARTMENT OF ENERGY, LABOR AND ECONOMIC GROWTH  
OFFICE OF FINANCIAL AND INSURANCE REGULATION  
Before the Commissioner of Financial and Insurance Regulation

Office of Financial and Insurance Regulation,  
Petitioner

v

Andre N. Hardaway,  
Respondent

Enforcement Case No. 08-7024

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For the Petitioner:

William R. Peattie (P48004)  
Office of Financial & Insurance Regulation  
P.O. Box 30220  
Lansing, MI 48909-7720

For the Respondent:

Andre N. Hardaway  


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Issued and entered  
this 13<sup>th</sup> day of April 2009  
by Ken Ross  
Commissioner

**FINAL DECISION**

On January 23, 2009, Chief Deputy Commissioner Stephen R. Hilker issued an Order for Hearing and Order to Respond in this case. The Order to Respond required Respondent to take one of the following actions within 21 days: agree to a resolution of the case, file an answer to the allegations stated in the complaint, request an adjournment, or file a statement that Respondent plans to attend the hearing. Respondent failed to timely take any of these actions.

On February 18, 2009, the Petitioner filed a Motion for Final Decision by Default. Respondent submitted an emailed response on February 20, 2009 in which he indicated that:

- Under federal law, his previous felonies do not encompass "breach of trust" or "dishonesty;
- He has now become a productive member of society;

- He did not have his complete criminal history at the time he applied for his insurance license and he was not trying to be misleading on his application;
- He agrees he was rightly prosecuted on 1992 for failing to follow Michigan “carrying a concealed weapon” laws; and
- He wishes to be employed as an insurance producer at a bail bond agency.

The factual allegations and conclusions of law stated in the complaint are not disputed by Respondent and are therefore adopted and made part of this Final Decision. Those records reveal that the Respondent was convicted of seven Michigan felonies between 1986 and 2002.

The following provisions of the Michigan Insurance Code apply when reviewing insurance producer licensing applications:

Section 1205(1)(b), MCL 500.1205(1):

(1) A person applying for a resident insurance producer license shall file with the commissioner the uniform application required by the commissioner and shall declare under penalty of refusal, suspension, or revocation of the license that the statements made in the application are true, correct, and complete to the best of the individual's knowledge and belief. An application for a resident insurer producer license shall not be approved unless the commissioner finds that the individual meets all of the following:

\* \* \*

(b) Has not committed any act that is a ground for denial, suspension, or revocation under section 1239.

Section 1239(1)(f), MCL 500.1239(1)(f):

In addition to any other powers under this act, the commissioner may place on probation, suspend, revoke, or refuse to issue an insurance producer's license or may levy a civil fine under section 1244 or any combination of actions for any 1 or more of the following causes:

\* \* \*

(f) Having been convicted of a felony.

The Commissioner concludes that Respondent, by virtue of his felony conviction, is not qualified to hold a Michigan insurance producer license. Provisions of federal law are not applicable to state licensing decisions. Petitioner's motion for summary decision is granted.

Respondent also failed to file a timely response to the Order for Hearing and Order to Respond. The Petitioner's motion for final decision by default is granted.

**ORDER**

Therefore, it is ordered that the refusal to issue an insurance producer's license to the Petitioner is upheld.

A handwritten signature in black ink, appearing to be 'Ken Ross', written over a horizontal line.

Ken Ross  
Commissioner